

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**UNITED STATES OF AMERICA**

**V.**

**NO. 3:99-CR-102**

**MICHAEL ROBBIE KENDALL**

**ORDER**

Michael Robbie Kendall pled guilty to one count of murder and one count of using a firearm in relation to a crime of violence which caused death, for which on August 15, 2000, United States District Judge Neal Biggers<sup>1</sup> sentenced him to, respectively, life imprisonment and 365 months of imprisonment, to run concurrently. Doc. #41. Over twenty years later, on or about October 5, 2020, Kendall filed a pro se “Motion to Take Judicial Notice Rules of Evidence 201(d) in Light of Government’s Brief Doc # Filed 08-31-2020 Page 2 Relevant Background Which Voids and Nulls the Original Grand Juries Indictment: Pro Se Review.” Doc. #71. Kendall asks the Court to “take Judicial Notice … of the Government’s Statement of the Case charging the elements of the evidence,” which Kendall says he “was put on Notice of the facts on or about the 1<sup>st</sup> week of September 2020.” *Id.* at 1.

The only filing by the government on “08-31-2020” which Kendall could have received “on or about the 1<sup>st</sup> week of September 2020” is the government’s response to Kendall’s August 28, 2020, motion for compassionate release. Docs. #68, #69. Because with respect to his motion for compassionate release Kendall is represented by counsel<sup>2</sup> and because, absent circumstances

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<sup>1</sup> Judge Biggers presided over this case until August 14, 2023, when this case was reassigned to the undersigned district judge. Doc. #75.

<sup>2</sup> The Federal Public Defender was appointed to represent Kendall pursuant to a standing order then in effect in this district. Doc. #67.

inapplicable here, a defendant is not entitled to hybrid representation—to represent himself while represented by counsel<sup>3</sup>—Kendall’s pro se motion [71] is **STRICKEN**. *See United States v. Long*, 597 F.3d 720, 724 (5th Cir. 2010) (defendant has no constitutional right to hybrid representation); *United States v. Young*, 99 F.3d 1135, 1996 WL 595643, at \*1 (5th Cir. 1996) (unpublished table decision) (“This brief is stricken from the record because it constitutes hybrid representation.”).<sup>4</sup>

**SO ORDERED**, this 2nd day of January, 2024.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**

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<sup>3</sup> *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir. 1978).

<sup>4</sup> *See also United States v. Powdrill*, No. 23-10182, 2020 U.S. App. LEXIS, at \*2 (5th Cir. Oct. 27, 2023) (defendant “is not entitled to hybrid representation by counsel and partly by himself, whether constitutionally, … or statutorily”) (internal citation omitted).